

REPORT

DATE: November 4, 2004

TO: Administration Committee

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SUBJECT: Report from Mr. Joe Myers, Exec. Dir., National Indian Justice Center

BACKGROUND:

In November 2002 the SCAG Regional Council approved the 2002 Strategic Plan. One of the goals includes establishing a role for Native Americans in the regional planning process. The goal provides for the formation a Native American Advisory Committee with a direct line to the Regional Council, including the possibility of one voting member on the Regional Council. In order to establish a role for Native Americans SCAG has organized, in cooperation with Tribal Governments, four Summits during the past year for the purposes of determining how SCAG and the Tribal Governments may communicate and participate together in the regional planning process.

In order to provide needed expertise SCAG hired Mr. Joe Myers, Executive Director of the National Indian Justice Center (see attached bio) to help with furthering our relationship with the sixteen federally recognized Tribal Governments in the SCAG Region. Mr. Myers is with us today to provide his perspective regarding SCAG's effort to involve Tribal Governments in the regional planning process.

Presented below is some additional background information in response to questions from the October Administration Committee and Regional Council meetings. Questions posed to legal counsel will be addressed separately by the General Counsel.

Tribal Governments in the SCAG Region

There are 16 federally recognized Tribal Governments in the SCAG region. Twelve of the Tribes are located in Riverside County, five are located in San Bernardino County and there is one Tribe in Imperial County. Some reservations cross county and state lines. Ventura County is home to a band of Chumash Indians, which have a federally recognized band in Santa Barbara County. Overall in the State of California there are 109 federally recognized Tribal Governments. According the Bureau of Indian Affairs there are 64 tribal groups in California currently petitioning for federal recognition -sixteen are in the SCAG Region. Presented below is a table providing 2002 census population and household information for each Tribal Government in the SCAG region.

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Federally Recognized Tribal Governments in SCAG region			
2000 Population and Household Data			
County	Tribes Name	2000 Population	2000 Household
Imperial	Fort Yuma (Quechan) *	2,340	769
Riverside	Agua Caliente	21,358	11,861
Riverside	Augustine	0	0
Riverside	Cabazon	806	179
Riverside	Cahuilla	154	48
Riverside	Colorado River *	1,735	849
Riverside	Morongo	954	300
Riverside	Pechanga	467	148
Riverside	Ramona	0	0
Riverside	Santa Rosa	65	19
Riverside	Soboba	522	157
Riverside	Torres-Martinez	4,146	868
San Bernardino	Chemehuevi	345	157
San Bernardino	Fort Mojave *	251	82
San Bernardino	San Manuel	74	24
San Bernardino	Twenty-Nine Palms	0	0
Total		33,217	15,461
* Tribal lands extend beyond the SCAG region.			
Figures include population & households in SCAG region only			

Elections in Tribal Governments

Tribal Council members or Business Committee members are elected from the official membership roll of each tribe. The tribal membership roll is not the same as the population living on the reservation. Tribal membership ranges from less than ten to nearly 1,500 for the Tribal Governments in the region. Each of the Tribal Governments have different policies for electing Tribal Chairpersons, Vice Chairpersons, Secretary-Treasurers and Tribal Council members. Depending on the tribe the term of office is different for Tribal Officers (Chairpersons, V. Chairpersons and the Secretary/Treasurer) and Tribal Council members. The term of office can range from 1 to 2 years for Tribal Council members and 2 to 4-years for Tribal Officers. The frequency of elections may also vary, for example, all Tribal Council seats are open in one election cycle or elections are held in staggered years. The Bureau of Indian Affairs, Department of the Interior certifies tribal council election results.

Working with Tribal Governments

The Transportation Equity Act of the 21st Century (TEA-21) of 1998 and state transportation planning law emphasize the importance of involving Native Americans in transportation planning. As a designated Metropolitan Planning Organization (MPO) under federal law and a Regional Transportation Planning Agency (RTPA) under state law, SCAG must ensure that regional transportation plans and programs includes a public participation process that

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involves Tribal Governments. Separate and preceding the public participation effort, the regional transportation planning process must meet federal and state requirements to consult (referred to as “consultation”) with Tribal Governments in the development of regional transportation plans and programs. The term “consultation” means that one party confers with another, and prior to taking action(s), considers that party’s views.

In February 2002, Caltrans issued a “Regional Planning Handbook,” which stipulates that relationships between the MPO and Tribal Government should be determined by negotiation of the involved parties. Caltrans outlines, “Some Tribal Governments may elect to join, fully or in part, the transportation planning activities of the MPO/RTPA. In such instances, the parties may decide if it is appropriate to include the Tribal government’s representative as a voting member on the MPO’s/RTPA’s Governing Board.”¹

Caltrans in 1997 established the Native American Advisory Committee to improve the government-to-government relationship between the Indian Tribes of California and the California Department of Transportation. This Committee provides advice to the Director of the Department regarding matters of interest or concern to the Tribal Governments and their constituents.

Tribal Governments in the Subregions

Except for the Coachella Valley Association of Governments (CVAG), the Councils of Governments and Transportation Commissions do not provide for the membership of Tribal Governments on their governing boards. The Coachella Valley Association of Governments (CVAG) has entered into Memorandums of Understanding with three tribal governments, the Agua Caliente Band of Cahuilla Indians, the Cabazon Band of Mission Indians and the Torres Martinez Desert Cahuilla Indians.

Summits with Tribal Governments

During the past year SCAG has convened four Summits with the Tribal Governments (9/20/03; 2/20/04; 6/30/04 and 9/9/04). Each Summit has provided the opportunity to build relationships and understanding. We have had tremendous attendance including Tribal Chairpersons, Vice Chairs, Tribal Council members, staff and consultants. This attendance is significant especially during the Governor recall effort, this election year cycle and propositions on the ballot. Attendance and comments at the Summits indicate strong interest from a number of Tribal Governments to explore how both SCAG and the Tribal Governments may work together in the regional planning process.

FISCAL IMPACT: Staff activities relating this item are contained within the adopted FY 2004-2005 budget.

¹ Caltrans “Regional Planning Handbook” (Feb. 4, 2002) at 7-3 and 7-4.

Biographical Information

JOSEPH A. MYERS, a member of the Pomo Tribe of northern California, is the Executive Director of the National Indian Justice Center, (NIJC) an Indian owned and operated non-profit corporation with principal offices in Santa Rosa, California. He helped to create NIJC in 1983, as an independent resource for tribal governments and their courts. The NIJC designs and conducts legal education, research, and technical assistance programs aimed at improving the administration of justice in Indian country. From 1976 to 1983 Mr. Myers served as associate director of the American Indian Lawyer Training Program, in charge of its tribal court advocate training project. He is a graduate of the University of California, Berkeley, School of Law at Boalt Hall. Mr. Myers is an authority on American Indian affairs and has written extensively on Indian issues. He is well recognized for his work for Indian communities. In 1993, Mr. Myers received national recognition from Attorney General Janet Reno for his work on behalf of victims of crime in Indian country. On December 6, 2002, the California Wellness Foundation awarded Mr. Myers the California Peace Prize for his work in violence prevention on Indian reservations.